

## I-69 Section 5

### RFQ Questions and Answer Matrix

The following Matrix includes IFA's response to questions and comments regarding the I-69 Section 5 RFQ received by the June 10th, 2013 deadline for questions and request for clarification

No.	Doc / Section / Page No.	Questions/Comments	Response	Date of Response
1.	Part A, Section 1.7; p. A-6	Will there be an update to the Engineer's Report? If so, when?	The pre-final Engineer's Report (based on the FEIS) will be made available to the Proposers (see <a href="http://www.in.gov/ifa/2779.htm">http://www.in.gov/ifa/2779.htm</a> ). In addition, the "final" Engineer's Report will be made available to the Shortlisted Proposers following issuance of the Project Record of Decision.	6/17/13
2.	Part A, Section 1.7; p. A-6	Is alignment data available for Local Access Roads and Ramps? If so, when will it be provided? (Engineering Report has Mainline and S-line alignment data)	Alignment data is not yet available, but when fully developed, will be made available to the Shortlisted Proposers. The "pre-final" Engineer's Report (based on the FEIS) has the most current information on alignment data. See <a href="http://www.in.gov/ifa/2779.htm">http://www.in.gov/ifa/2779.htm</a> .	6/17/13
3.	Part A, Section 1.7; p. A-6	What is the timing to provide survey data and geotechnical borings?	IFA currently anticipates that survey and geotechnical boring data will be made available to the Shortlisted Proposers prior to issuing the Request for Proposals.	6/17/13
4.	Part A, Section 8.4; p. A-21	With regards to section 8.4.1 Prequalification and Licensing Requirements of the RFQ, please clarify the prequalification requirements specific to public-private partnership projects in the event of a joint venture. Does a construction joint venture need to be licensed or prequalified as a joint venture with the IFA, INDOT and/or State of Indiana?	Please consult "Joint Venture Registration & Prequalification Submittal Instruction" at <a href="http://www.in.gov/indot/files/JointVenturePrequalProcedure(1).pdf">http://www.in.gov/indot/files/JointVenturePrequalProcedure(1).pdf</a>	6/17/13
5.	RFQ Generally	It is expected that the RFP will include requirements for response times and cure times for the OMR period with penalties associated to non-performance. Will the client consider including incentives for performance metrics above those required (i.e., safety performance records, minimized impact to traffic by routine O&M activities, milestone payments for rehabilitation	Given that the Project does not produce revenues (e.g., a toll facility), IFA does not currently anticipate that the RFP/PPA will provide for incentive payments, but it is willing to discuss this further with Shortlisted Proposers during industry review.	6/17/13

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		projects, etc.)?		
6.	Part A, Section 5.5, p. A-6	<u>Project Documents</u> : Can IFA publish any "Project Documents" (ie, CADD, Survey, GIS files associated with creating Appendix R of the DEIS) available to the Proposers prior to the Short-listing to assist in organizational efforts prior to RFP?	IFA will consider providing such information to Shortlisted Proposers once completed, but any such information provided shall be provided as reference documents and without representation or warranty as to accuracy or completeness.	6/17/13
7.	Part B, Volume 1, Section 1.7; p. B-4	<u>Relevant Experience</u> : We are having difficulty limiting our projects that demonstrate how our team provides value to the IFA to just 12 projects. We request the 12 project limit be increased to 20 projects.	No change.	6/17/13
8.	Part B, Volume 1, Section 2.1; p. B-8	<u>General Approach to the Project</u> : We anticipate providing support letters from lenders/underwriters in response to Section 2.1 (c). Please confirm if including these letters in the appendix is acceptable and will not be part of page count limits.	Confirmed.	6/17/13
9.	Part B, Volume 2, Section A(e); p. B-11	<u>Financial Statements and Credit Ratings</u> : "Parent company" and "affiliate company" are being used in this clause, can definitions for these phrases be provided?	See revisions to <u>Part B, Volume 2, Section A(e)</u> in Addendum #1 to the RFQ	6/17/13
10.	Part C, Form E; p. C-11	<u>Concession and PPP Experience</u> : Can IFA please confirm that the project size and the debt amount also includes any TIFIA facility, Private Activity Bonds, and loans from multilateral institutions such as European Investment Bank and European Bank for Reconstruction and Development?	See revisions to <u>Part C, Form E</u> in Addendum #1 to the RFQ	6/17/13
11.	Part B, Volume 1, Section 1.11; p. B-7	The RFQ requests "a brief description of any prior work (past 5 years) or ongoing work (whether as a prime or subcontractor or subconsultant of any tier) performed by any member of the Proposer team in connection with the Project." Please advise whether the Project Sponsors intend for responses to this question to address (a) work relating specifically to I-69 Section 5, or (b) in addition to Section 5, work relating to other Sections of I-69 in the State.	See revisions to <u>Part B, Volume 1, Section 1.11</u> in Addendum #1 to the RFQ	6/17/13

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12.	Part A, Section 6.2; p. A-7	<u>SOQ Content and Submittal Requirements / Format:</u> This section requires that Proposers submit one original and 15 copies of their SOQs. Given the large volume of financial information to be delivered under Volume 2 and the goal of the State of Indiana to promote sustainability by reducing the use of paper and reducing waste, we ask IFA to please consider changing this requirement such that Proposers are required to deliver only five (5) hard copies of Volume 2 instead of sixteen (16).	See revisions to <u>Part A, Section 6.2</u> in Addendum #1 to the RFQ	6/17/13
13.	Part A, Section 6.2; pp. A-7 and A-8	<p><u>SOQ Content and Submittal Requirements / Format:</u> Due to the nature of the requirements of 1.10.1 (<i>Legal Issues</i>) and 1.11 (<i>Prior Project Involvement</i>), please amend the Volume 1 formatting requirement as follows:</p> <p>“The following do not count toward the 60 pages and need not be sequentially numbered:</p> <ul style="list-style-type: none"> <li>• Form A and any letters required to be appended to Form A;</li> <li>• the Executive Summary;</li> <li>• the Confidential Contents Index;</li> <li>• the disclosures provided in response to Part B, Volume 1, Sections <u>1.10.1</u>, 1.10.2 and 1.10.3 (which should be provided in an appendix to Volume 1);</li> <li>• <u>the disclosures provided in response to Part B, Volume 1</u></li> </ul>	See revisions to <u>Part A, Section 6.2</u> in Addendum #1 to the RFQ	6/17/13

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		<p><a href="#">Section 1.11 (which should be provided in an appendix to Volume 1);</a> and</p> <ul style="list-style-type: none"> <li>teaming agreements and summaries of teaming agreement key terms.”</li> </ul>		
14.	Part A, Section 6.2; p. A-8	<p><u>SOQ Content and Submittal Requirements / Format:</u> As the forms and letters required under Part B, Volume 3, Sections A and B will be signed forms from multiple entities, please remove these from the page number requirement by making the following change under Part A, Section 6.2:</p> <p>“Sequential numbering shall also be required in Volume 3, but not in Volume 2. Except for resume page limits, Volumes 2 and 3 (as described in Part B) do not have page limitation or type font size requirements. <a href="#">The following need not be sequentially numbered:</a></p> <ul style="list-style-type: none"> <li><a href="#">Section A: Forms B and C; and</a></li> <li><a href="#">Section B: Surety or Bank/Financial Institution Letter.”</a></li> </ul>	See revisions to <u>Part A, Section 6.2</u> in Addendum #1 to the RFQ	6/17/13
15.	Part A, Section 2.5.1; p. A-10	<p><u>Site Conditions – Geotechnical:</u> If available, please provide additional details on the expected timeline for the development of the Project specific memorandum of agreement providing a process for addressing karst features in the Project. Given the impact this document may have on the design, we recommend that it be made available as early as possible following issuance of the RFP.</p>	IFA intends to provide further guidance with respect to addressing karst features to the Shortlisted Proposers as early as practicable during the procurement process. Expected guidance will based upon the 1993 Karst MOU (which is located at <a href="http://www.in.gov/ifa/2779.htm">http://www.in.gov/ifa/2779.htm</a> ), as supplemented by a Project-specific karst memorandum of agreement.	6/17/13
16.	Part B, Volume 1, General(a);	Transmittal Letter: The Proposer will comprise multiple Equity Members, none of which individually will act as a “lead firm.”	See revisions to Part B, Volume 1, General(a) of Addendum #1 to the RFQ	6/17/13

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	p. B-1	<p>Rather, the team members will appoint an authorized representative of the Proposer, who will be authorized to sign the required forms on behalf of the Proposer as a whole, as the preparation of the SOQ will be a collaborative effort amongst all of the members. In light of the foregoing, we would request that the RFQ be revised as set forth below.</p> <p>“A duly authorized official of Proposer or lead firm must execute the transmittal letter in blue ink. For Proposers that are joint ventures, partnerships, limited liability companies or other associations, the transmittal shall be appended with letters on the letterhead stationery of each entity holding an equity interest in Proposer, executed by authorized officials of each Equity Member, stating that representations, statements and commitments made <u>in the SOQ by the lead firm</u> on behalf of the Equity Member’s firm have been authorized by, are correct, and accurately represent the role of the Equity Member’s firm in Proposer team.”</p>		
17.	Part B, Volume 1, Section 1.10.2; p. B-6	<p><u>Legal Liabilities:</u> We request that IFA limit the scope of disclosure required under (i) Part B / Volume 1 / Section 1.10.2 (<i>Legal Liabilities</i>) and (ii) Form C.</p> <p>Our consortium includes large multinational companies with vast numbers of international affiliates in a number of industries and jurisdictions, and the efforts necessary to diligence such activities would be difficult given the time frame for the prequalification submission. As such, these proposed revisions are intended to provide information to IFA that will be necessary for it to perform a fully informed evaluation,</p>	No change.	6/17/13

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		<p>while also making it feasible for us to provide the requested information.</p> <p>Please find below our proposed revisions:</p> <p><b><u>Part B / Volume 1 / Section 1.10.2 (Legal Liabilities):</u></b></p> <p>For purposes of this Section 1.10.2 and Section 1.10.3, "Affiliate" means and includes <u>direct</u> parent companies <del>at any tier</del>, subsidiary companies at any tier, entities under <del>common</del> ownership <u>and control of the same parent company</u>, joint ventures and partnerships involving such entities (but only as to activities of joint ventures and partnerships involving the Proposer, any Equity Member or any Major Non-Equity Member as a joint venturer or partner and not to activities of other joint venturers or partners not involving the Proposer, any Equity Member or any Major Non-Equity Member), and other financially liable or responsible parties for the Proposer, that, (a) within the past five years have engaged in business or investment in North America or (b) have been involved, directly or indirectly, in the debt or equity financing, credit assistance, design, construction, management, operation or maintenance for any project listed by an entity pursuant to Part B, Section 1.7.</p>		
18.	Part C, Form C; pp. C-7 and C-9	<p><u>Certification, Question #1</u></p> <p>Has the firm or any affiliate,* or any current officer, <u>or</u> director <del>or employee</del> of either the firm or any affiliate, been indicted or convicted of bid (i.e., fraud, bribery, collusion, conspiracy, antitrust, etc.) or other contract related crimes or violations or any</p>	No change.	6/17/13

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		other felony or serious misdemeanor within the past ten years?		
19.	Part C, Form C; pp. C-7 and C-9	<p><u>Definition of “affiliate”:</u></p> <p>The term “affiliate” means <u>direct</u> parent companies <del>at any tier</del>, subsidiary companies at any tier, entities under <del>common</del> ownership <u>and control of the same parent company</u>, joint ventures and partnerships involving such entities (but only as to activities of joint ventures and partnerships involving Proposer, any Equity Member or any Major Non-Equity Member as a joint venturer or partner and not to activities of other joint venturers or partners not involving Proposer, any Equity Member or any Major Non-Equity Member), and other financially liable or responsible parties for the entity, that (a) within the past five years have engaged in business or investment in North America or (b) have been involved, directly or indirectly, in the debt or equity financing, credit assistance, design, construction, management, operation or maintenance for any project listed by an entity pursuant to Part B, Section 1.7.</p>	No change.	6/17/13
20.	Part B, Volume 2, Section A(d)	<p><u>Financial Statements and Credit Ratings – English:</u> Can you please explain the rationale for the requirement to provide “the original financial statement information” for entities which audited financial statements are prepared in a language other than English? Our financial information will be translated and provided in English as per the requirements of this section and it seems unnecessary to also print one original and 16 copies of a foreign-language document.</p>	See revisions to <u>Part B, Volume 2, Section A(d)</u> and <u>Part A, Section 6.2</u> in Addendum #1 to the RFQ	6/17/13